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PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

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DRAINED WEIGHT OR SOLID CONTENT WEIGHT FOR FRUITS AND VEGETABLES

Label Statement, Standards of Fill of Container, and Temporary Labeling Exemption

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 101, 130, 145, and 155]

[Docket No. 77P-0097]

DRAINED WEIGHT OR SOLID CONTENT WEIGHT FOR CANNED FRUITS AND VEGETABLES

Label Statement, Standards of Fill of Container, and Temporary Labeling Exemption

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Commissioner of Food and Drugs is proposing to require label declaration of the drained weight or, alternatively, the solid content weight (fill weight) on most canned fruits and vegetables. This proposal also would grant an exemption from the clear space labeling requirement to permit label declaration of the drained weight or the solid content weight in conjunction with the net quantity of contents declaration on the principal display panel. This document is based on a proposal for alternative labeling which was submitted by the National Canners Association in response to previously published proposed regulations on drained weight.

DATE: Written comments on or before July 1, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Nicholas Duy, Bureau of Foods (HFF-404), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1231.

SUPPLEMENTARY INFORMATION: The Commissioner proposed regulations, published in the FEDERAL REGISTER of November 7, 1975 (40 FR 52171), to require label declaration of the drained weight on most canned fruits and vegetables packed in readily drainable liquids and to establish minimum drained weight requirements in fill-of-container standards for many of these foods. Under that proposal, manufacturers would be required to label the minimum drained weight established in fill-of-container standards for the food, where such standards exist. Alternatively, manufacturers could label a higher drained weight if the average drained weight of the food in fact exceeded the minimum. In the case of a food for which no minimum drained weight requirement has been established in fill-of-container standards, the food would be required to be labeled with a drained weight declaration that does not exceed the average drained weight of the lot. The following table lists the section numbers used in that document and their redesignations under the recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302).

Old section numbers	Name of food (fill-of-container standards only)	New section numbers
1.8b		101.105
1.8b(t)		101.105(u)
1.8e		101.107
10.7		130.14
10.9		130.7
27.1		145.3 and 146.3
27.4	Peaches	145.170(c)
27.12	Apricots	145.115(c)
27.17	Prunes	145.190(c)
27.22	Pears	145.175(c)
27.27	Grapes	145.140(c)
27.32	Cherries	145.125(c)
27.37	Berries	145.120(c)
27.42	Fruit cocktail	145.135(c)
27.47	Plums	145.185(c)
27.52	Pineapple	145.180(c)
27.74	Figs	145.130(c)
27.92	Grapefruit	145.145(c)
51.12	Green beans	155.120(c)
51.22	Corn	155.130(c)
51.503	Mushrooms	155.201(c)
51.513	Asparagus	155.110(c)
51.523	Lima beans	155.124(c)
51.533	Beets	155.126(c)
51.543	Carrots	155.128(c)
51.553	Leafy greens	155.140(c)
51.563	Okra	155.150(c)
51.573	Field peas	155.177(c)
51.583	Pimientos	155.175(c)
51.593	Onions	155.160(c)
51.603	Sweet potatoes	155.180(c)
51.613	White potatoes	155.185(c)
53.42	Tomatoes	155.190(c)

This new proposal incorporates all of the provisions of the November 7, 1975 proposal regarding fill-of-container standards, compliance with those standards and labeling of the drained weight. It differs from the previous proposal by providing canners the option of declaring the solid content weight (fill weight) in lieu of the drained weight if such canners maintain adequate fill weight records and make such records available to FDA upon request for compliance purposes. The solid content weight is the weight of the food put into the can, exclusive of the liquid packing medium, prior to thermal processing. The drained weight is the weight of the food exclusive of the packing medium as determined after thermal processing.

The previous drained weight proposal was based in part on a petition filed by Consumers Union of the United States, Washington Office, 1714 Massachusetts Ave. NW., Washington, D.C. 20036, which proposed establishment of regulations to require that all processed fruits and vegetables packed in sugar or other sirup, water, brine or their own juice bear on their labels a statement of the drained weight of the solid food content of the container. Notice of the Consumers Union petition was published in the FEDERAL REGISTER of December 5, 1973 (38 FR 33512), with a request for relevant information supported by factual data including, where appropriate, statistical and cost/benefit analyses. Comments on that petition were summarized in the drained weight labeling proposal published on November 7, 1975.

During the comment period following publication of the drained weight labeling proposal, the Food and Drug Administration (FDA) received more than 6,900 comments. Although a few comments from consumers opposed declaration of the drained weight, more than 98 percent of those from consumers favored it. Comments from Federal, State, and local governments, dieticians, home economists, and other professionals generally favored label declaration of the drained weight. However, comments from the canning industry and some distributors of canned foods opposed the declaration. Those comments and any comments received in response to the proposal set out below will be discussed in detail when a final decision concerning both proposals is published in the FEDERAL REGISTER.

In a comment dated May 5, 1976, on the drained weight proposal, the National Canners Association (NCA), 1133 Twentieth St. NW., Washington, DC 20036, proposed a regulation to require the declaration of the solid content weight as an alternative to the declaration of the drained weight. The proposed alternative for a requirement for solid content labeling on canned fruits and vegetables forms the basis of the proposal set out below.

NCA GROUNDS FOR PROPOSAL TO REQUIRE SOLID CONTENT LABELING

In a letter to the Commissioner dated January 14, 1977, NCA confirmed that the proposed regulation recommended in its May 5, 1976 comments constituted a formal alternative proposal to the Commissioner's proposal for drained weight labeling. In support of its proposal to require solid content labeling, NCA stated that the costs of compliance with drained weight labeling of canned fruits and vegetables had been estimated by Touche Ross and Co., San Francisco, CA. for NCA at $104.2 million annually, an amount that NCA considers to be prohibitive. The Touche Ross report, based on cost data from eight major canners, identified and quantified the following six cost factors associated with compliance with drained weight labeling:

1. Bright stacking (holding of unlabeled cans) and off-line labeling of products that are normally direct-labeled: This factor included the cost of palletizing equipment, extra handling costs, damage cost, the cost of additional label inventories, and imprinting costs.

2. Thirty-day warehousing costs, including rental, labor, pallets, lights, power, insurance and taxes: Touche Ross indicated that all canners interviewed believed that all products would have to be held 30 days before testing and labeling the drained weight to ensure that the actual drained weight meets or exceeds the declared drained weight.

3. Cost of financing 30 days' inventory: The report stated that the canners assume that they would be required to hold products 30 days before labeling and, therefore, their inventories would be increased for the entire year by 30 days of production. Thus, the report stated, canners would have to increase borrowings to carry this extra inventory.

4. Collecting and storing samples and determining drained weight: The cost of these operations includes retrieval of samples from storage, opening the cans,

weighing the solid contents, recording and reporting results, and disposing of solid contents, cans, and lids.

5. Value of products destroyed during testing: The report stated that drained weight testing by canners will result in the destruction of 16 million cans of good food, or the equivalent of 64 million 4-ounce servings of food.

6. Cost of label changes: NCA assumed this factor to be a one-time cost that would include the printing of a simple statement of the drained weight on labels with no changes in the art work on the labels.

The Touche Ross report also identified a number of important but not quantifiable costs, including administrative costs, additional quality control, environmental costs (waste and pollution from destructive sampling), and distribution control costs for products of the same type but with different drained weights.

The total costs on a per-can basis, NCA reported, would be expected to exceed 1 cent per can and would be passed on to the consumer.

Battelle Columbus Laboratories (Battelle), Columbus, Ohio was commissioned by FDA to review the cost information submitted in comments on the drained weight proposal and to interview canners to obtain an independent cost estimate for drained weight labeling. Battelle estimated that the per unit cost of compliance with drained weight labeling ranged from 0.7 to 1.2 cents. However, Battelle disagreed with the Touche Ross finding that bright stacking of containers 30 days before testing for drained weight is necessary. Battelle expressed the opinion that canners could label cans on line with a declared drained weight as proposed, sample the lot for drained weight and hold for testing, and ship the remainder to distribution and storage centers. They suggested that after the samples are tested for compliance with the declared drained weight, these products could be released for sale or recalled for relabeling as necessary. Battelle projected the total cost to industry on a firm-size basis (extrapolating from estimated costs for various classes of processors, such as "large fruit and vegetable processors," "small tomato processors") with and without bright stacking. They estimated the cost of compliance with drained weight labeling without bright stacking at $74 million annually with an initial capital investment of $44.3 million. Battelle estimated that if canners choose to bright stack products that are normally direct-labeled, the annual costs of drained weight labeling would be $99 million with an initial capital investment of $54 million. They also estimated that the cost of drained weight labeling without bright stacking could be as low as $42.3 million annually, with the same initial one-time cost of $44.3 million capital investment, when such cost estimate is projected in terms of actual cases (in terms of the number of cases of canned fruits and vegetables produced annually) instead of a firm-size basis. However, they were of the opinion that the above estimates that were projected on a firm-size basis more accurately reflect the costs to the industry.

In support of solid content labeling, NCA cited the Touche Ross report conclusion that the NCA fill weight alternative will be much less costly to the consumer than drained weight labeling. The Touche Ross report stated that most canners currently control fill weights as part of their normal production process, and that adding a statement of the fill weight would not require that products be held 30 days before testing and shipping. Additional sampling and weighing would probably not be required, products would not have to be destroyed, and products would not have to be bright stacked for later off-line labeling. In other words, the report continued, five of the six cost factors identified above probably would not have to be incurred.

To further support solid content labeling, NCA cited a consumer survey conducted for NCA by Opinion Research Corp. (ORC), Princeton, NJ, in which more than half of the consumers polled would not be willing to support a drained weight regulation costing 1 cent per can and still fewer consumers would support a regulation at greater expense.

The Commissioner notes that consumer surveys sponsored by Consumers Union in Detroit, MI, and Denver, CO, found that more than half of consumers polled would be willing to pay increased costs for drained weight labeling. Among those willing to pay for drained weight information, a majority of consumers polled in both cities would pay as much as 1 cent per can (41 percent in Detroit v. 63 percent in Denver). Another 31 percent in Detroit and 23 percent in Denver would be willing to pay one-half of a cent per can, while the remainder would be willing to pay less than one-half of a cent per can.

It was also stated by NCA that the ORC survey disclosed that, in most instances, consumers are not familiar with and do not truly understand the term "drained weight." When consumers were asked to define drained weight, the survey indicated considerable confusion as to whether the term "drained weight" means the solid contents that were put into the can before packing or the solid contents that remain in the can after processing and stabilizing the product.

Further, NCA stated that the FDA proposal as published would not assure that the drained weight of individual cans when measured at home would meet or exceed the labeled drained weight. (The Commissioner had expressed concern in the drained weight labeling proposal that fill weight declarations could be confusing to consumers, who might weigh the solid contents of canned fruits and vegetable products at home and find that the weight differs from the declared fill weight.) Hence, NCA said that disparity between labeled weight and weight when measured at home might exist with both proposals.

Solid content weight labeling, NCA stated, would minimize the confusion that could result from a disparity between increased drained weight and product quality. In addition, NCA noted that often an inverse relationship exists between the quality of the canned fruit or vegetables and the drained weight. Citing its earlier comment on the Consumers Union petition, NCA explained that riper, higher quality fruit usually results in a lower drained weight than less ripe fruit. In the case of vegetables, NCA stated that (higher quality) small, less mature, succulent peas and lima beans absorb less moisture per unit than do the larger, more mature products and, therefore, the latter will have the higher drained weight.

Additionally, NCA stated that declaration of the solid content weight would minimize the discriminatory effect of the drained weight labeling proposal against processors of canned foods versus processors of frozen fruits and vegetables by permitting both canned and frozen fruits and vegetables to be labeled with the weight of the raw food.

On a cost/benefit basis, NCA contended that its proposed solid content labeling alternative with an adequate enforcement mechanism is superior to drained weight labeling as proposed by the Commissioner. The enforcement mechanism proposed by NCA is discussed below.

The NCA Voluntary Solid Content Labeling Program

On November 12, 1976, NCA announced that food canners would begin to declare voluntarily the solid content weight (fill weight) in addition to the net weight on labels of canned fruits and vegetables; NCA said that the new weight information would assist consumers in making food buying selection. Further, NCA contended that it would give consumers, at far less cost, information as meaningful as the drained weight.

Based on industry estimates, the NCA announcement estimated the total cost of solid content labeling for canned fruits and vegetables at $10 million annually. A similar estimate made by Battelle from information obtained during the study on the cost of drained weight labeling indicated that the cost of solid content labeling would range between $3.9 and $8.1 million annually. The Commissioner notes that using either of these estimates, the per unit cost for solid content labeling based on current production data for canned fruits and vegetables would be 0.1 cent or less as compared to 0.7 to 1.2 cents for drained weight labeling.

The solid content weight to be placed on the principal display panel immediately to the right of, or below, the net weight declaration would read: "Weight of (*name of food*) ____ oz.*", the blank to be filled in with the solid content weight of that particular lot of food. The asterisk would refer to a statement on the information panel which would read: "*Weight of (*name of food*) means weight before addition of processing liquid" or "*Weight of (*name of food*) means weight before addition of liquid necessary for processing".

In that announcement, NCA stated that it has recommended that individual

canners keep fill weight records and make these records available on a voluntary basis to FDA upon written request, for compliance purposes. It further stated that the industry will use procedures similar to those used by the U.S. Department of Agriculture. Those procedures require collecting samples of at least five containers every 45 minutes or less.

As anticipated by NCA, all fruit and vegetable products with a readily drainable packing medium will be included in the program. However, NCA recommended that certain foods be excluded, such as soups, rehydrated dry bean products, and pickles. Canned mushrooms, olives, and artichokes, which are customarily labeled with the drained weight, also would be excluded.

Clear Space Exemption

A petition (Docket No. 77P-0097) was filed by NCA on March 17, 1977, to amend § 101.105 (21 CFR 101.105) by exempting solid content label declaration on canned fruits and vegetables from the prohibition in § 101.105(f) against label statements within the clear space surrounding the net quantity of contents declaration on the principal display panel of the labels of food products. The clear space provision as set forth in § 101.105 requires that the net contents statement be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement) from other printed label information appearing to the left or right of the declaration.

In the grounds given in support of the petition, NCA explained that some canners, in designing new labels with solid contents declarations, have encountered substantial difficulty in meeting the clear space requirement, especially for smaller containers and labels. In some instances, NCA reported, the design and typography of existing labels have made it impossible to redesign those labels to accommodate prominent solid contents declarations and to observe the clear space requirement without major, costly, and time-consuming basic redesign and modification of labels. Strict adherence to the clear space requirement, NCA explained, may compel shifts in placement and alteration in type size of other valuable information and may also require undesirable revisions in the size and placement of vignettes historically associated with particular products. In addition, NCA stated that, while provision for the principal display panel declaration of solid contents data itself may create label redesign problems that discourage equivalent metric labeling, canners who want to declare metric equivalents for both the net and solid contents will face still greater design obstacles if the clear space requirement is strictly enforced.

The Fair Packaging and Labeling Act, NCA contended, does not specify a requirement for a clear space and does not specify that the net contents statement appear in the bottom 30 percent of the principal display panel. It stated that those requirements are set forth in regulations established by the Commissioner, and it maintained that, accordingly, the Commissioner has authority to grant appropriate exemptions for solid content labeling, as proposed for drained weight labeling.

The Commissioner is of the opinion that the request for a clear space exemption as presented by NCA is reasonable. He agrees with NCA that, if the solid contents information is to be declared on the label, it should appear in conjunction with the net contents declaration to facilitate comparisons and to avoid possible confusion from presentation of contents information at disparate locations on the label. This type of dual declaration was proposed for drained weight labeling and is also being proposed for solid content labeling as set out below. He is therefore proposing that § 101.105 (f) be amended to permit the use of the clear space for solid content (fill weight) labeling or drained weight labeling in conjunction with net weight labeling. As an interim measure pending a ruling on that proposal, he is granting a temporary exception to § 101.105(f) to permit the use of such clear space for solid content (fill weight) labeling, or alternatively for drained weight labeling, provided that, for solid content labeling, the processor makes his fill weight records available to the FDA inspector on request.

The Proposal

In the past, FDA has not considered proposing a requirement for declaration of the solid content weight (fill weight) because of the lack of effective means to determine compliance with the fill weight before canning. Since the weight of the solid contents of many canned fruits and vegetables changes after processing, FDA has no means of determining the accuracy of a fill weight declaration unless an FDA inspector is present at the time of processing to check the fill weights or, alternatively, unless canners make fill weight records available.

In a comment on the November 7, 1975 drained weight labeling proposal, Consumers Union also said that the fill weight declaration represents a virtually unverifiable figure since it can be confirmed only by having an inspector present in the cannery at the time of pack or by having access to production records. Moreover, the comment asserted that, due to moisture exchange between the solid food and the packing medium after processing, the solid food content found in the can at time of consumption is often lower in relation to fill weight declaration than it is in relation to drained weight declaration, and that consumers could be confused and even angry over what they might consider to be government approved deception. In addition, the comment stated that FDA should issue regulations enforceable not only by its own small inspection force but also by State and local authorities, and that consumers and consumer groups who have access to sieves and canned goods, but not to canneries, should be able to confirm the declared weight.

However, NCA expressed the opinion that FDA can adequately enforce compliance with a declaration of the fill weight. In its recommended proposal for solid content (fill weight) labeling, NCA disagreed that record disclosure is essential to enforce a fill weight regulation. It noted that under FDA's factory inspection authority, the agency has full access to food plant operations, including fill weight control mechanisms, and, through careful visual scrutiny of food plant procedures, FDA inspectors could detect fill weight deviations just as they currently detect sanitation and adulteration problems. Also, NCA maintained that, where deviations in fill control were linked with sufficiently large variances between later-determined drained weight and labeled fill weight at the retail level, violations could be detected.

Further, NCA stated that although there has been no showing that fill weight cannot be adequately enforced under current factory inspection programs, most of the NCA members have indicated their willingness to volunteer their fill weight records to demonstrate, where this cannot be determined by other means, that their label declarations of solid contents accurately reflect the fill weight. NCA suggested that the proposal for solid content labeling provide that compliance could be established through voluntary submission by the packer of fill weight records demonstrating that the fill weight on a lot average basis met or exceeded labeled solid contents. Where the canner chooses not to provide his fill weight records, NCA stated that compliance would be determined solely on the basis of solid contents after processing and equilibration. The Commissioner interprets the phrase "solid contents after processing and equilibration" as the drained weight.

The Commissioner has considered the comments received on the drained weight proposal including the comments by NCA proposing solid content labeling, which was represented as a more practical alternative to drained weight labeling. He is not fully convinced that solid content labeling, although admittedly less costly, is superior to drained weight labeling. However, he is of the opinion that the voluntary solid content labeling program announced by NCA will provide a good opportunity to test the merits of solid content labeling. He is proposing an exemption from the clear space requirement to permit canners to declare either the solid content weight (fill weight) or drained weight in conjunction with the net weight before he makes a final decision on this new proposal for drained weight or solid content (fill weight) labeling and the November 7, 1975 drained weight labeling proposal. If the label on the can shows the drained weight as proposed on November 7, 1975, the drained weight declaration should be

preceded or followed by an asterisk referring to an explanation of drained weight on the information panel, for example, "*Weight of (*name of food*) as determined 30 days after canning". If the label on the can shows the solid content weight as proposed by NCA, the solid content weight declaration should be preceded or followed by an asterisk referring to an explanation of solid content weight on the information panel, for example "*Weight of (*name of food*) means weight before addition of processing liquid" or "*Weight of (*name of food*) means weight before addition of liquid necessary for processing".

The Commissioner is issuing this new proposal to require drained weight labeling as set out in the November 7, 1975 proposal, except that the solid content weight may be declared in lieu of the drained weight provided the canner maintains adequate fill weight records and makes such records available to FDA upon request for compliance purposes.

He is proposing compliance procedures for solid content labeling based on inspection of food canners' production records for fill weight as suggested by NCA. This proposal would require canners to use established quality control procedures that include maintenance of adequate records of fill weight control and testing. Additionally, disclosure of such records would be required for evaluation of compliance with the declared fill weight. The proposed compliance procedures would require that canners sample the production line for fill weights at regular intervals throughout the production of the lot. The sampling rate should be approximately 2 containers per 1,000 containers packed. The Commissioner recognizes that the degree of control a canner has over the fill weight will vary with product size and shape, can size, and line speeds. Accordingly, he has not prescribed a rigid sampling rate. However, each canner will have the responsiblity of establishing his own statistically sound base for quality control operations, to ensure that fill weights comply with the declared solid content weight.

The Commissioner is not proposing that compliance with the solid content labeling be determined on the basis of the drained weight when fill weight records are not available, as was suggested by NCA. He is of the opinion that if the manufacturer intends to base compliance on drained weight, the weight statement should clearly indicate that the declared weight is in fact the drained weight.

This proposal for drained weight or solid content labeling would apply to most canned fruits and vegetables packed in readily drainable liquids. Exceptions would include rehydrated dry beans, soups, pickles and pickle products. As customary for many years, canned mushrooms, olives and artichokes would be labeled with the drained weight. All retail can sizes, including No. 10, would be included under this proposal. The Commissioner notes that the NCA voluntary solid content labeling program excludes No. 10 containers. However, he proposes to include No. 10 size cans because many grocery stores stock products in that size container.

The Commissioner is proposing that the comment period for this proposal continue until July 1, 1979, so that canners will have at least two packing seasons to test their ability to comply with a requirement for solid content or drained weight labeling. During this period, consumers will have an opportunity to obtain experience with such labeling. The Commissioner specifically requests information from both industry and consumers on their practical experience. He also requests that consumers comment on the desirability and the useability of solid content weight or drained weight labeling. Where possible, comments should be supported by data or other information.

The Commissioner also requests comments and data on sampling plans for testing for fill weight and for establishment of statistically sound sampling rates during production.

During the 2-year trial period, FDA will conduct a study of the NCA voluntary labeling program. A copy of the protocol for this study is on file with the Hearing Clerk. This study will include fill weight observations at plants that are participating in the voluntary program as well as at some that are not participating. FDA inspectors will observe and document the fill control procedures used in the plants and will collect samples for drained weight and fill weight analysis. The data collected and developed will be subjected to a statistical analysis to determine their significance. The Commissioner will consider the results of this study as well as other comments and data received in deciding upon and developing a course of action.

The Commissioner notes that there are three types of labeling regulations that could be established: (a) one for drained weight labeling with the option to label the solid content weight (fill weight), as proposed herein; (b) one for drained weight labeling as set out in the November 7, 1975 drained weight proposal; or (c) one for solid content weight (fill weight) provided effective compliance procedures can be established. He specifically requests comments on these three alternatives.

All comments on the drained weight labeling proposal (Docket No. 75P-0166) as well as the Touche Ross Co. cost analysis, the Battelle report, and correspondence with NCA are on file with the Hearing Clerk.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Accordingly, the Commissioner proposes:

a. To establish a new § 101.107 (21 CFR 101.107) to require that a statement of the drained weight or the solid content weight (fill weight) of canned fruits and vegetables appears on the label of the container;

b. To amend § 101.105 to require that the statement of the drained weight or the solid content weight (fill weight) be declared on the label in immediate conjunction with the net quantity of contents declaration and to require that foods packed in a medium that is ordinarily discarded bear a declaration of drained weight only;

c. To grant an exemption from the clear space requirement set forth in paragraph (f) of § 101.105 to permit declaration of the drained weight or the solid content weight (fill weight) in immediate conjunction with the net quantity of contents declaration.

d. To establish a new § 130.7 to set forth methods of determining compliance with the drained weight or the solid content weight declaration;

e. To amend § 130.14(b) to provide a general statement of substandard fill for use when the food in the container is substandard for fill because the drained weight requirement of the fill-of-container standard has not been met.

f. To delete the drained weight procedure in § 145.3(n) and the sampling and acceptance procedures in § 145.3(o), because these procedures are being incorporated in proposed § 130.7 (c) and (d), respectively; § 130.7 in turn, is cross-referenced by proposed § 145.3. Also, to delete the compliance definition in § 145.3(o) and incorporate it in proposed § 145.3(n).

g. To establish or amend fill-of-container standards in selected sections of Parts 145 and 155 (21 CFR Parts 145 and 155) to incorporate fill-of-container and drained weight requirements, as appropriate.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403, 701, 52 Stat. 1041 as amended, 1046–1048 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(n), 341, 343, 371)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

PART 101—FOOD LABELING

1. In Part 101:

a. By amending § 101.105 by revising paragraph (f) and adding new paragraph (u) to read as follows:

§ 101.105 Declaration of net quantity of contents when exempt.

* * * * *

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and (by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement)

from other printed label information appearing to the left or right of the declaration except that when the label of the container bears a statement of the drained weight or the solid content weight (fill weight) pursuant to § 101.-107, such statement shall appear directly to the right of or below the declaration required by this section, without intervening written, printed or graphic matter. The declaration shall not include any term qualifying a unit of weight, measure, or count (such as "jumbo quart" and "full gallon") that tends to exaggerate the amount of the food in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided,* That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of content meets the other requirements of this part.

* * * * *

(u) For the purposes of this section, the "net quantity of contents" of foods that are packed in liquid that is ordinarily discarded (e.g., ripe olives, green olives, canned artichokes, and canned mushrooms) means the drained weight of the solid food determined in accordance with § 130.7(c) of this chapter and in compliance with § 130.7(f)(2) of this chapter. This paragraph does not apply to pickles and pickle products, the net quantity of contents of which shall be declared in accordance with paragraph (r) of this section.

b. By adding new § 101.107 to read as follows:

§ 101.107 Food labeling; label statement of the drained weight or, alternatively, the solid content weight (fill weight) on canned fruits and vegetables at the time of packing.

(a) The canned fruits and vegetables listed in paragraph (c) of this section, when packed in containers whose capacity is equal to or less than a No. 10 can, shall bear on their labels a statement of the drained weight of the solid food content in the container, in the manner described in paragraph (d) of this section: *Except,* That the solid content weight (fill weight) at the time of packing may be declared in lieu of the drained weight: *Provided,* That the canner maintains fill weight records in accordance with § 130.7(g) of this chapter and makes these available to the Food and Drug Administration upon request. In the case of drained weight, the statement shall consist of the words "drained weight ____ oz*", the blank to be filled in with the minimum average drained weight specified in the appropriate fill-of-container standard established in this subchapter. Alternatively, the blank in the statement may be filled in with a weight that is greater than the minimum average drained weight specified in the appropriate fill-of-container standard if such greater weight accurately states the drained weight of the solid food contents of the container as determined by the procedure established in § 130.7(c) of this chapter and complies with § 130.7(f) of this chapter. The asterisk or other symbol that either precedes or follows the drained weight statement shall refer to the following statement that must appear on the information panel: "*Weight of (name of food) as determined 30 days after processing." In the case of solid content weight (fill weight), the statement shall consist of the words "Weight of (name of food) ____ oz*", the blank being filled in with the weight of the solid food in the container at time of packing. The asterisk or other symbol that either precedes or follows the solid content weight statement shall refer to a statement that must appear on the information panel: "*Weight of (name of food) means weight before addition of processing liquid" or "*Weight of (name of food) means weight before addition of liquid necessary for processing."

(b) The label of a canned fruit or vegetable not listed in paragraph (c) of this section that is packed in a container whose capacity is equal to or less than that of a No. 10 can in a readily drained liquid that is not ordinarily discarded, shall bear a statement of the drained weight or solid content weight (fill weight) in accordance with paragraphs (a) and (d) of this section and applicable paragraphs of § 130.7 of this chapter.

(c) The canned fruits and vegetables referred to in paragraph (a) of this section are those for which minimum average drained weight requirements have been established in fill-of-container standards in Parts 145 and 155 of this chapter and are as follows:

Apricots (§ 145.115(c))
Asparagus (§ 155.110(c))
Beans, green and waxed (§ 155.120(c))
Beans, lima (§ 155.124(c))
Beets (§ 155.126(c))
Blackberries (§ 145.120(c))
Blueberries (§ 145.120(c))
Carrots (§ 155.128(c))
Cherries, red tart pitted (§ 145.125(c))
Cherries, sweet (§ 145.125(c))
Collards (§ 155.140(c))
Corn, whole kernel (§ 155.130(c))
Figs (§ 145.130(c))
Fruit cocktail (§ 145.135(c))
Grapes (§ 145.140(c))
Grapefruit (§ 145.145(c))
Kale (§ 155.140(c))
Mushrooms (§ 155.201(c))
Mustard greens (§ 155.140(c))
Okra (§ 155.150(c))
Onions (§ 155.160(c))
Peaches, clingstone (§ 145.170(c))
Peaches, freestone (§ 145.170(c))
Pears (§ 145.175(c))
Peas, field and black eye (§ 155.177(c))
Pimientos (§ 155.175(c))
Pineapple (§145.180(c))
Plums (§ 145.185(c))
Potatoes, white (§ 155.185(c))
Prunes, canned dried (§ 145.190(c))
Raspberries (§ 145.120(c))
Spinach (§ 155.140(c))
Tomatoes (§ 155.190(c))
Turnip greens (§ 155.140(c))

(d) The statement of drained weight or solid content weight shall appear together with the declaration of net quantity of contents required by § 101.-105 and shall meet the same requirements prescribed in § 101.105 (b)(1), (e), (f), (h), (i), (j), (k), (m), and (n) for the declaration of net quantity of contents. The statement may contain common or decimal fraction. A common fraction shall be in terms of halves, quarters, or eighths. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places nor to less than one tenth of an ounce.

(e) No provision of this section shall be construed as in any way affecting the concurrent applicability of other labeling regulations set out in this chapter.

(f) The list of foods in paragraph (c) of this section represents those foods for which sufficient data are available to support incorporation of a minimum average drained weight requirement in fill-of-container standards for these foods. The Commissioner of Food and Drugs, on his own initiative, or on behalf of any interested person who has submitted a petition, may publish a proposal to add other foods to this list and, concurrently, to establish fill-of-container standards that specify drained weight requirements for these foods. Any such petition shall include an adequate factual basis to support the petition in the form set forth in Part 10 of this chapter and will be published for comment if it contains reasonable grounds for the proposal.

(g) This section does not apply to foods such as soups and dehydrated bean products.

PART 130—FOOD STANDARDS: GENERAL

2. In Part 130:

a. By adding new § 130.7 to read as follows:

§ 130.7 Compliance with the fill-of-container standards for canned fruits or vegetables.

(a) *Minimum fill.* In the case of those fill-of-container standards in this Subchapter B that specify a 90 percent fill, a container that falls below the minimum fill prescribed in the fill-of-container standard is considered a "defective" unit. A lot of canned fruit or vegetable is in compliance with the requirement that the fruit or vegetable occupy not less than 90 percent of the total capacity of the container when the number of "defective" units in a sample analyzed according to the sampling plans in paragraph (d) of this section does not exceed

the applicable "acceptance number" designated as "c" in the sampling plans in paragraph (d) of this section.

(b) *Minimum drained weight.* In the case of those fill-of-container standards in this Subchapter B that specify a minimum drained weight requirement, a lot of canned fruit or vegetable is in compliance with such drained weight requirement if it meets the provisions of the compliance procedure specified in the standard and described below:

(1) Compliance procedure No. 1. (i) The average drained weight of all sample units in the sample, analyzed according to the sampling plans provided in paragraph (d) of this section is equal to or greater than the average drained weight (designated as "average" or $\overline{X}_d$ in the table in the standard) requirement of the fill-of-container standard; and

(ii) The number of "defective" units, i.e., sample units that are less than the lower limit drained weight requirement for individual containers (designated as "individuals" or "LL" in the table), does not exceed the applicable "acceptance number" designated as "c" in the sampling plan in paragraph (d) of this section. The lower limit ("minimum") drained weight requirement for individual containers set forth in the table in § 155.190(c)(1)(ii) of this chapter shall apply to canned tomatoes regardless of sample size. In the case of all other foods, the lower limits for individual containers in the tables shall apply when the sample consists of 13 sample units. When the sample consists of more than 13 sample units, the lower limit is calculated using the equation given in paragraph (f) of this section, where LL_h is the lower limit for the larger sample size, X_h equals $\overline{X}_d$ given in the table in the fill-of-container standard, and M is the value selected (from the table in paragraph (d) of this section) according to the sample size (n) used.

(2) Compliance procedure No. 2. (i) The average drained weight of all sample units in the sample analyzed according to the sampling plans provided in paragraph (d) of this section is equal to or greater than the drained weight requirements in the applicable fill-of-container standard; and

(ii) The drained weight of one-half or more of the individual containers is equal to or greater than the minimum average drained weight required by the standard; and

(iii) The drained weights from the containers which are less than the minimum average drained weight required by the standard are within the variability of good manufacturing practice.

(c) *Determination of drained weight.* (1) Except as otherwise provided in the applicable fill-of-container standard, the procedure for determining drained weight in canned fruits or vegetables is as follows: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve that has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth that complies with the specifications for the No. 8 sieve set forth in the "Definitions of Terms and Explanatory Notes" p. xvi, of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975.[1] Carefully invert by hand all fruits having cups or cavities if they fall on the sieve with cups or cavities up. Cups or cavities in soft products may be drained by tilting sieve. Without further shifting the material on the sieve, incline the sieve at an angle of 17° to 20° to facilitate drainage. Two minutes after drainage begins, weigh the sieve and drained food. The weight so found, less the weight of the sieve, shall be considered to be the weight of the drained food.

(2) Testing for compliance with drained weight requirements shall be performed no sooner than 30 days after the food has been canned.

(d) *Sampling and acceptance procedure.* A lot is to be considered acceptable when the number of "defectives" does not exceed the "acceptance number" in the sampling plans given in paragraph (d)(2) of this section.

(1) Definitions of terms to be used in the sampling plans in paragraph (d)(2) of this section are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(v) *Defective.* Any sample unit shall be regarded as defective when any of the defects or conditions specified in the quality and fill of container standards are present in excess of the stated tolerances.

(vi) *Acceptance number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) Sampling plans and acceptance procedure:

Acceptable Quality Level 6.5

Lot size (primary container)	Size of container	
	n	*c*
	Net weight equal to or less than 1 kg (2.2 lb)	
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19
	Net weight greater than 1 kg (2.2 lb) but not more than 4.5 kg (10 lb)	
2,400 of less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42,001 to 72,000	84	9
72,001 to 120,000	126	13
Over 120,000	200	19
	Net weight greater than 4.5 kg (10 lb)	
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7,201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
Over 42,000	200	19

n=number of primary containers in sample.
c=acceptance number.

(e) *Interpolation.* When a fill-of-container standard requires a minimum average drained weight but does not specify the requirement for the particular container size and style of pack used, the following procedure shall be used to determine the required drained weight: Select as a reference container from the table of drained weights specified in the standard, the container for the particular food in the same packing medium that is nearest in size, first on the basis of diameter and next on the basis of height. Convert the number of drained ounces for the reference container to an equivalent precentage of the weight of water capacity of the container in accordance with the method prescribed in § 130.12. Determine the water capacity of the unknown container in accordance with § 130.12. Multiply the percentage obtained for the reference container by the water capacity of the unknown container, for which the standard-of-fill is being calculated. The result will be the required drained weight.

(f) Compliance with drained weight declarations for containers that declare on the label a drained weight that exceeds the drained weight requirement in the fill-of-container standard and for containers for which no drained weight requirement has been established but that are required to bear a statement of drained weight in accordance with paragraph (c) of this section is determined as follows:

(1) In the case of foods for which the fill-of-container standard specifies, in addition to a minimum average drained weight, a lower limit of drained weight variation for individual containers, a lot

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

is considered as meeting the drained weight requirement if it meets the following criteria:

(i) The average of the drained weights from all the sample units in a sample analyzed according to the sampling plans in paragraph (d) of this section is equal to or greater than the drained weight declared on the label; and

(ii) The number of sample units for which the drained weights are less than the lower limit of drained weight variation for individual containers calculated for the higher declared drained weight does not exceed the applicable acceptance number designated as "c" in the sampling plan in paragraph (d) of this section. The lower limit of drained weight variation for individual containers is determined as follows:

(*a*) In the case of canned tomatoes, by multiplying the higher declared drained weight by the factor 0.9.

(*b*) In the case of all other foods for which the fill-of-container standard includes a lower limit of drained weight variation, the lower limit of drained weight variation for the higher declared drained weight is calculated as follows:

$$LL_h = X_h - M\left[\frac{(\overline{X}_{d(s)} - LL_{(s)})}{1.1}\right]$$

where LL_h is the lower limit of drained weight variation for the higher declared drained weight X_h and $\overline{X}_{d(s)}$ is the minimum average drained weight of the food in the appropriate style of pack and container size designated in the standard. $LL_{(s)}$ is the corresponding lower limit of drained weight variation in the standard, and M is a constant for a given sample size. M is derived from the normal distribution theory and allows 6.5 percent of the individual sample units in the lot to fall below the lower limit of drained weight variation. Values of M for sample sizes (n) given in the sampling plan are as follows:

n=13	21	29	48	84	126	200
M=1.1	1.2	1.2	1.3	1.3	1.4	1.4

(2) In cases where no lower limit values for drained weight have been established in fill-of-container standards and in the case of foods for which no drained weight requirement has been established in a fill-of-container standard, a lot is considered in compliance with the label declaration of drained weight if it meets the following criteria:

(i) The average drained weight of all the sample units in a sample analyzed according to the sampling plans in paragraph (d) of this section is equal to or greater than the drained weight declared on the label; and

(ii) The drained weight of one-half or more of the individual containers is equal to or greater than the drained weight declared on the label; and

(iii) The drained weights of the containers which are less than the drained weight declared on the label are within the variability of good manufacturing practice.

(g) (1) Compliance with the solid content weight (fill weight) declaration, when used in lieu of the drained weight declaration in accordance with § 101.107 of this chapter, will be subject to verification by the Food and Drug Administration by examination of the canner's fill weight records. Canners who declare the solid content weight (fill weight) shall determine and record the fill weight on approximately 2 containers per 1,000 containers at regular intervals throughout the canning operation. Records of the fill weight shall be maintained for each can code for a period of not less than 3 years. A production lot, represented by its own code, shall be no larger than the amount of product produced during a given shift.

(2) A lot shall be deemed to be in compliance when the following conditions have been met:

(i) The average fill weight of all sample units taken for a given lot meets or exceeds the declared solid content weight; and

(ii) The fill weight of one-half or more of the individual containers is equal to or greater than the declared solid content weight; and

(iii) The fill weights from the containers which are less than the declared fill weight are within the variability of good manufacturing practice.

b. By revising paragraph (b) of § 130.14 to read as follows:

§ 130.14 General statements of substandard quality and substandard fill of container.

* * * * *

(b) The term "general statement of substandard fill" means the statement "Below Standard in Fill", or "Below Standard in Drained Weight", or "Below Standards in Fill and Drained Weight", as appropriate, printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement is in 12-point type; if such quantity is 1 pound or more, the statement is in 14-point type. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in paragraph (a) of this section is used, the statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, are on a strongly contrasting, uniform background, and are so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

PART 145—CANNED FRUITS

3. In Part 145:

a. In § 145.3 by revoking paragraphs (o) and (p) and revising paragraph (n) to read as follows:

§ 145.3 Definitions.

* * * * *

(n) Compliance means the following: Unless otherwise provided in a standard, a lot of canned fruits shall be deemed in compliance for the following factors, to be determined by the sampling and acceptance procedure as provided in § 130.7 of this chapter, namely: (1) *Packing medium density.* A lot shall be deemed to be in compliance for packing medium density based on the average sucrose value for all samples analyzed according to the sampling plans, but no container may have a sucrose value lower than that of the next lower category or 2 percent by weight sucrose (degrees Brix) lower if no lower category exists.

(2) *Quality.* The quality of a lot shall be considered acceptable when the number of defectives does not exceed the acceptance number in the sampling plans as set forth in § 130.7 of this chapter.

b. By revising paragraph (c) of § 145.115 to read as follows:

§ 145.115 Canned apricots.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned apricots is:

(i) For apricots in liquid packing medium the maximum practicable quantity of apricots that can be sealed in the container without impairment of quality.

(ii) For solid pack apricots, as defined in § 145.3(1), the maximum practicable quantity of apricots that can be sealed in the container without impairment of quality and that occupies not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(iii) A drained weight of apricots not less than the average drained weight (designated as $\overline{X}_d$) prescribed in the table in this paragraph (c)(1)(iii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned apricots

Container size		Unpeeled or peeled halves; slices; mixed pieces of irregular sizes and shapes (ounces)		Whole unpeeled (ounces)		Whole peeled (ounces)	
Designation	Dimensions (inches)	LL [1]	$\overline{X}_d$ [2]	LL	$\overline{X}_d$	LL	$\overline{X}_d$
In extra heavy and heavy sirups							
5Z	211 by 200	2.1	2.7				
5Z	211 by 202	2.4	3.0				
7Z	211 by 212	3.4	4.0				
8Z tall	211 by 304	4.2	4.8	3.7	4.3	3.8	4.5
No. 300	300 by 407	7.9	8.6	6.8	7.6	7.2	8.0
No. 303 glass		8.7	9.5	7.6	8.5	8.0	8.9
No. 303	303 by 406	8.7	9.5	7.6	8.5	8.0	8.9
No. 2	307 by 409	10.6	11.5	9.6	10.5	9.8	10.8
No. 2½ glass		15.2	16.3	13.6	14.9	13.9	15.2
No. 2½	401 by 411	15.5	16.7	13.8	15.9	14.4	15.7
No. 10	603 by 700	59.7	62.0	57.5	60.0	57.9	60.4
In any other liquid medium							
5Z	211 by 200	2.2	2.8				
5Z	211 by 202	2.5	3.1				
7Z	211 by 212	3.5	4.1				
8Z tall	211 by 304	4.3	4.9	3.8	4.4	3.9	4.6
No. 300	300 by 407	8.1	8.8	7.0	7.8	7.4	8.2
No. 303 glass		8.9	9.7	7.8	8.7	8.2	9.1
No. 303	303 by 406	8.9	9.7	7.8	8.7	8.2	9.1
No. 2	307 by 409	10.9	11.8	9.7	10.7	10.1	11.1
No. 2½ glass		15.7	16.8	14.0	15.3	14.3	15.6
No. 2½	401 by 411	16.0	17.2	14.2	15.5	14.8	16.1
No. 10	603 by 700	61.7	64.0	59.0	61.5	59.5	62.0
Solid pack (without liquid medium)							
No. 10	603 by 700	89.5	92.0				

[1] LL is the lower limit drained weight for individual containers.
[2] $\overline{X}_d$ is the average drained weight of all sample units in the sample.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(iii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

c. By redesignating existing text of § 145.120 as paragraph (a), by reserving paragraph (b), and by adding new paragraph (c), to read as follows:

§ 145.120 Canned berries.

(a) *Identity*—(1) *Ingredients.* Canned berries is the food prepared from any suitable variety of one of the operational berry ingredients specified in paragraph (a)(2) of this section, which may be packed in one of the optional packing media specified in paragraph (a)(3) of this section. It may contain safe and suitable natural and artificial flavors. It is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(2) *Varietal types.* The optional berry ingredients referred to in paragraph (a)(1) of this section are prepared from stemmed fruit of the following optional varietal types of berry ingredient; namely:

(i) Raspberry varieties conforming to the characteristics of *Rubus idaeus* L. or *Rubus occidentalis* L.

(ii) Blackberries.

(iii) Blueberries.

(iv) Boysenberries.

(v) Dewberries.

(vi) Gooseberries.

(vii) Huckleberries.

(viii) Loganberries.

(ix) Strawberries.

(x) Youngberries.

(3) *Packing media.* (i) The optional packing media referred to in paragraph (a)(1) of this section, as defined in § 145.3 are:

(*a*) Water.

(*b*) Fruit juice(s) and water.

(*c*) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in § 145.3.

(ii) When a sweetener is added as a part of any such liquid packing medium, the four density ranges of the resulting packing media hereinafter specified for each berry ingredient, expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure described in § 145.3(m), shall be designated by the appropriate name for each of the respective density ranges for each berry ingredient as:

(*a*) "Slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(*b*) "Light sirup", when the liquid used is water; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(*c*) "Heavy sirup", when the liquid used is water; or "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(*d*) "Extra heavy sirup", when the liquid used is water; or "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

The density ranges referred to herein are:

Optional berry ingredient	Density ranges							
	(i)		(ii)		(iii)		(iv)	
	Minimum	Maximum less than	Minimum	Maximum less than	Minimum	Maximum less than	Minimum	Maximum not more than
Raspberries	11	15	15	20	20	27	27	35
Blackberries		14	14	19	19	24	24	35
Blueberries		15	15	20	20	25	25	35
Boysenberries		14	14	19	19	24	24	35
Dewberries		14	14	19	19	24	24	35
Gooseberries		14	14	20	20	26	26	35
Huckleberries		15	15	20	20	25	25	35
Loganberries		14	14	19	19	24	24	35
Strawberries		14	14	19	19	27	27	35
Youngberries		14	14	19	19	24	24	35

(4) *Labeling requirements.* (i) The name of the food is the appropriate name of the berry ingredient specified in paragraph (a)(2) of this section.

(ii) The name of the packing medium, as used in paragraph (a)(3)(i) of this section preceded by "In" or "Packed in" as provided in paragraph (a)(3) of this section and, in the case of raspberries other than red raspberries provided for in paragraph (a)(2) of this section, the name of such packing medium and the color of such raspberry shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "_____ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (a)(3)(i) and (ii) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(*a*) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(*b*) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (a)(3) of this section; and

(*c*) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(4)(iii) of this section.

(iii) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (a)(4)(ii)(*b*) of this section, such names and the words "from concentrate", as specified in paragraph (a)(4)(ii)(*c*) of this section, shall appear in an ingredient statement pursuant to the requirements of § 101.3(d) of this chapter.

(iv) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned berries, either raspberries, blueberries, blackberries or other similar berries is:

(i) The maximum practicable quantity of berries that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of berries not less than the average drained weight prescribed in Tables 1, 2, and 3 in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 130.7(e) of this chapter.

TABLE 1.—*Drained weights for canned raspberries*

Container designation	Container size, overall dimensions		Drained weights in sirup or water	
	Width (inches)	Height (inches)	Red and purple (ounces)	Black (ounces)
8 oz tall	2 1/16	3 4/16	4	5
No. 300	3	4 7/16	7	7
No 1 tall	3 1/16	4 1/16	8	8
No. 303	3 3/16	4 5/16	8	8
No. 2	3 7/16	4 9/16	10	10
No. 2½	4 1/16	4 1/16	14¼	14¼
No. 10	6 3/16	7	53	55

TABLE 2.—*Drained weights for canned blueberries*

Container designation	Container size, overall dimensions		Drained weights in sirup, or water; (ounces)
	Width (inches)	Height (inches)	
300 by 407	3	4 7/16	7.5
No. 2	3 7/16	4 4/16	10.0
No. 10	6 3/16	7	55.0

TABLE 3.—*Drained weights for canned blackberries and other similar berries*

Container designation	Container size—overall dimensions		Maximum capacity in water at 68° F (ounces)	Drained weights blackberries		Drained weights other berries	
	Diameter (inches)	Height (inches)		Extra heavy and heavy sirup (ounces)	Light sirup and water (ounces)	Extra heavy and heavy sirup (ounces)	Light sirup and water (ounces)
8 oz	2 1/32	3 3/16	8.65	4½	4¾	4¼	4¼
No. 303	3 1/16	4 0/16	16.85	8½	9¼	7¾	8¼
No. 2	3 7/16	4 9/16	20.50	11	12	9½	10
No. 10	6 3/16	7	109.45	62	66	55	60
No. 10 (heavy pack) [1]	6 3/16	7	109.45		74		70

[1] Canned berries in No. 10 containers (in water) may be certified with the additional statement "heavy pack", provided they meet the drained weight requirement specified.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

d. By revising paragraph (c) of § 145.125 to read as follows:

§ 145.125 Canned cherries.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned cherries is:

(i) The maximum practicable quantity of cherries that can be sealed in the container without impairment of quality.

(ii) A drained weight of cherries not less than the average drained weight (designated as $\overline{X}_d$) prescribed in Tables 1 and 2 of this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 130.7(e) of this chapter.

TABLE 1.—*Drained weights for canned red tart cherries*

Container designations	Container size—overall dimensions		Packed in water or cherry juice (ounces)		Packed in any sirup or slightly sweetened water (ounces)	
	Diameter (inches)	Height (inches)	LL [1]	$\overline{X}_d$ [2]	LL	$\overline{X}_d$
No. 303	303	406	10.7	11.0	9.9	10.2
No. 303 cylinder	303	509	14.0	14.4	12.7	13.1
No. 2	307	409	13.1	13.5	12.3	12.7
No. 10	603	700	71.2	72.0	69.4	70.2

[1] LL is the lower limit drained weight for individual containers.
[2] $\overline{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 2.—*Drained weights for pitted and unpitted canned sweet cherries*

Container designations	Container size—overall dimensions		Overflow capacity (fluid ounces)	In extra heavy sirups (ounces)		In heavy sirups (ounces)		In light sirup and in slightly sweetened water or juice (ounces)		In water (ounces)	
	Diameter (inches)	Height (inches)		LL [1]	$\overline{X}_d$ [2]	LL	$\overline{X}_e$	LL	$\overline{X}_d$	LL	$\overline{X}_d$
8 Z tall	211	304		4.3	4.7	4.6	5.0	4.8	5.2	4.8	5.2
No. 300	300	407		8.4	8.9	8.7	9.2	8.2	8.7	8.2	8.7
No. 1 tall	301	411		9.0	9.7	9.3	10.0	9.5	10.2	9.5	10.2
No. 303	303	406		9.0	9.7	9.3	10.0	9.5	10.2	9.5	10.2
No. 303 glass			17.0	9.0	9.7	9.3	10.0	9.5	10.2	9.5	10.2
No. 2	307	409		11.3	12.0	11.8	12.5	12.0	12.7	12.0	12.7
No. 2½	401	411		16.6	17.5	17.1	18.0	17.6	18.5	17.6	18.5
No. 2½ glass			28.35	16.3	17.2	16.8	17.7	17.3	18.2	17.3	18.2
No. 10	603	700		61.7	64.5	63.7	66.5	68.2	70.0	68.2	70.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\overline{X}_d$ is the average drained weight for all sample units in the sample.

(2) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

e. By redesignating the existing text of § 145.130 as paragraph (a), by reserving paragraph (b), and by adding new paragraph (c), to read as follows:

§ 145.130 Canned figs.

(a) *Identity*—(1) *Ingredients.* Canned figs is the food prepared from one of the optional fig ingredients specified in paragraph (a)(2) of this section and one of the optional packing media specified in paragraph (a)(3) of this section, to which lemon juice, concentrated lemon juice or organic acid(s) is added, when necessary to reduce the pH of the finished product to pH 4.9 or below. Such food may also contain one, or any combination of two or more of the following safe and suitable optional ingredients:

(i) Natural and artificial flavoring.
(ii) Spice.
(iii) Vinegar.
(iv) Unpeeled segments of citrus fruits.
(v) Salt.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(2) *Varietal types.* The optional fig ingredients referred to in paragraph (a)(1) of this section are prepared from mature figs of the light or dark varieties. Figs (or whole figs), split figs (or broken figs), or any combination thereof are optional fig ingredients. A "whole fig" is one which is whole, but may be slightly cracked, provided it retains its natural conformation without exposing the interior. A "split" or "broken" fig is one that is open to such an extent that the seed cavity is exposed. The shape of the fruit may be distorted, and the fruit may or may not be broken apart into entirely separate pieces.

(3) *Packing media.* (i) The optional packing media referred to in paragraph (a)(1) of this section, as defined in § 145.3 are:

(*a*) Water.
(*b*) Fruit juices(s) and water.
(*c*) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in § 145.3.

(ii) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 145.3(m) shall be designated by the appropriate name for the respective density ranges, namely:

(*a*) When the density of the solution is 11 percent or more but less than 16 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(*b*) When the density of the solution is 16 percent or more but less than 21 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(*c*) When the density of the solution is 21 percent or more but less than 26 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(*d*) When the density of the solution is 26 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(4) *Labeling requirements.* (i) The name of the food is "figs". The words "broken" or "split" shall be a part of the name when the optional fig ingredient is a broken or split fig. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 101.22 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with vinegar" or "Seasoned with unpeeled segments of citrus fruits". When two or more of the optional ingredients specified in paragraph (a)(1)(ii) through (v), inclusive, of this section are used, such words may be combined as for example, "Seasoned with cider vinegar, cloves, cinnamon oil and unpeeled segments of citrus fruits."

(ii) The name of the packing medium as used in paragraph (a)(3)(i) of this section, preceded by "In" or "Packed in", as provided in paragraph (a)(3) of this section, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food other than sweetness, as for example, a mixture of brown sugar and honey, the statement "_____ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy", as the case may be, shall be included as part of the name or in close proximity to the name of the food. When the liquid portion of the packing media provided for in paragraph (a)(3)(i) and (ii) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(*a*) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(*b*) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (a)(4)(iii) of this section; and

(*c*) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(4)(iii) of this section.

(iii) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (a)(4)(ii)(*b*) of this section, such names and the words "from concentrate", as specified in paragraph (a)(4)(ii)(*c*) of this section, shall appear in an ingredient statement pursuant to the requirements of § 101.3(d) of this chapter.

(iv) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned figs is:

(i) The maximum practicable quantity of figs that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of figs not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned figs

Container designation	Container size, overall dimensions		Overflow capacity (fluid ounce)	All styles (ounces)	
	Width (inches)	Height (inches)		LL[1]	$\bar{X}_d$[2]
8 Z tall	211	304		4.2	5.0
8 oz glass			8.2	4.2	5.0
No. 300	300	407		8.1	9.0
No. 1 tall	301	411		9.0	10.0
No. 303	303	406		9.0	10.0
No. 303 glass			17.0	8.7	9.7
No. 2	307	409		11.5	12.5
No. 2½	401	411		16.6	18.0
No. 2½ glass			28.35	15.8	17.2
No. 10 (71 whole figs, or portions equivalent thereto, and less)	603	700		60.5	63.0
No. 10 (71 whole figs, or portions equivalent thereto, and more)				63.5	66.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

§ 145.135 Canned fruit cocktail.

f. In § 145.131(a) by changing the reference to "§ 145.130(c)" to read "§ 145.130(a)(3)".

g. By revising paragraph (c) of § 145.135 to read as follows:

§ 145.135 Canned fruit cocktail.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned fruit cocktail is:

(i) The maximum practicable quantity of fruit cocktail that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of fruit cocktail not less than the average drained weight (designated as X_d) prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned fruit cocktail

Container designation	Container size		Capacity weight H_2O at 68° F (avoirduppis ounces)	Drained weight (65 pct capacity) (ounces)	
	Overall dimensions (inches)	Overflow capacity (fluid ounces)		LL^1	$\overline{X}_d^2$
5 oz	211 by 200		4.90	2.8	3.18
5 oz	211 by 202		5.25	3.0	3.41
6 oz	300 by 200			3.6	3.97
7 oz	211 by 212		7.15	4.2	4.64
8 Z tall	211 by 304		8.65	5.1	5.63
8 oz glass		8.2	8.50	5.0	5.53
No. 300	300 by 407		15.20	9.3	9.88
No. 1 tall	301 by 411		16.60	10.1	10.79
No. 303	303 by 406		16.85	10.3	10.96
303 glass		17.0	17.70	10.8	11.51
No. 2	307 by 409		26.50	12.5	13.33
No. 2½	401 by 411		29.75	18.3	19.34
No. 2½ glass		28.35	29.50	18.2	19.18
No. 3 cylinder	404 by 700			32.3	33.57
No. 10	603 by 700		109.45	66.4	71.15

[1] LL is the lower limit drained weight for individual containers.

[2] $\overline{X}_d$ is the average drained weight of all sample units in the sample.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

h. By redesignating the existing text of § 145.140 as paragraph (a), by reserving (b), and by adding paragraph (c) to read as follows:

§ 145.140 Canned seedless grapes.

(a) *Identity*—(1) *Ingredients.* Canned seedless grapes is the food prepared from one of the fresh or previously canned optional grape ingredients specified in paragraph (a)(2) of this section which may be packed in one of the optional packing media specified in paragraph (a)(3) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(i) Natural and artificial flavors.

(ii) Spice.

(iii) Vinegar, lemon juice, or organic acids.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(2) *Varietal types and styles.* The optional grape ingredients referred to in paragraph (a)(1) of this section are prepared from stemmed grapes of the light or dark seedless varieties or from unstemmed clusters of such grapes. For the purposes of paragraph (a)(4) of this section, the names of such optional grape ingredients are "light seedless grapes" or "dark seedless grapes", as the case may be, preceded by the words "unstemmed clusters" where applicable.

(3) *Packing media.* (i) The optional packing media referred to in paragraph (a)(1) of this section, as defined in § 145.3 are:

(*a*) Water.

(*b*) Fruit juice(s) and water.

(*c*) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in § 145.3.

(ii) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 145.3(m) shall be designated by the appropriate name for the respective density ranges, namely:

(*a*) When the density of the solution is less than 14 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(*b*) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(*c*) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(*d*) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(4) *Labeling requirements.* (i) The name of the food is "seedless grapes." The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 101.22 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice added", or in lieu of the word "Spice", the common name of the spice, or "Seasoned with lemon juice". When two or more of the optional ingredients specified in paragraph (a)(1)(ii) and (iii) of this section are used, such words may be combined as for example, "Seasoned with cider vinegar, cloves, and cinnamon oil".

(ii) The color type and style of the grape ingredient as provided in paragraph (a)(2) of this section and the name of the packing medium specified in paragraph (a)(3)(i) and (ii) of this section, preceded by "In" or "Packed in" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the

name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "---------- sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (a)(3)(i) and (ii) of this section consists of fruit juice(s), such juice(s) shall be designated in the packing medium as:

(*a*) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(*b*) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (a)(4)(iii) of this section; and

(*c*) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(4)(iii) of this section.

(iii) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (a)(4)(ii)(*b*) of this section, such names and the words "from concentrate", as specified in paragraph (a)(4)(ii)(*c*) of this section, shall appear in an ingredient statement pursuant to the requirements of § 101.3(d) of this chapter.

(iv) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned grapes is:

(i) The maximum practicable quantity of grapes that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of grapes not less than the average drained weight (designated as X_d) prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned grapes

Container designation	Container size—overall dimensions		Overflow capacity (fluid ounces)	In any liquid medium (ounces)	
	Diameter (inches)	Height (inches)		LL[1]	X_d[2]
8 Z tall	211	304		4.7	5
8 oz glass			8.2	4.7	5
No. 300	300	407		8.6	9
No. 1 tall	301	411		9.4	10
No. 303	303	406		9.4	10
No. 303 glass			17.0	9.4	10
No. 2	307	409		11.4	12
No. 2½	401	411		16.1	17
No. 2½ glass			28.35	16.1	17
No. 10	603	700		60.3	62

[1] LL is the lower limit drained weight for individual containers.
[2] X_d is the average drained weight of all sample units in the sample.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

i. By revising paragraph (c) of § 145.145 to read as follows:

§ 145.145 Canned grapefruit.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned grapefruit is:

(i) The maximum practicable quantity of grapefruit that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of grapefruit not less than the average drained weight (designated as X_d) prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned grapefruit

Container size or designation	Dimensions (inches)	Water capacity (ounces)	LL[1] (ounces)	$\overline{X_d}$[2] (ounces)
8 Z tall	211 by 304	8.65	3.95	4.30
No. 303	303 by 406	16.85	7.95	8.40
No. 3 cylinder	404 by 700	51.70	24.75	25.80

[1] LL is the lower drained weight limit for individual cans.
[2] $\overline{X_d}$ is the average drained weight of all sample units in the sample.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

j. By revising paragraph (c) of § 145.170 to read as follows:

§ 145.170 Canned peaches.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned peaches is:

(i) For peaches in liquid packing medium, the maximum practicable quantity of peaches that can be sealed in the container without impairment of quality.

(ii) For solid pack peaches, as defined in § 145.3(l), the maximum practicable quantity of peaches that can be sealed in the container without impairment of quality and that occupies not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(iii) A drained weight of peaches not less than the average drained weight (designated as $\overline{X_d}$) prescribed in Tables 1 and 2 of this paragraph (c)(1)(iii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 130.7(e) of this chapter.

TABLE 1A.—*Drained weights for canned Freestone peaches*

Container designation	Container size (overall dimensions)		Overflow capacity (fluid ounces)	Halves			
	Diameter (inches)	Height (inches)		In extra heavy sirup (ounces)		In any other liquid medium (ounces)	
				LL [1]	$\overline{Xd}$ [2]	LL	$\overline{Xd}$
8 Z tall	211	304		4.1	4.8	4.3	5.0
No. 300	300	407		7.8	8.6	8.0	8.8
No. 303	303	406		8.6	9.5	8.9	9.8
No. 303 glass			17.0	8.6	9.5	8.9	9.8
No. 2	307	409		10.4	11.5	10.8	11.9
No. 2½ glass			28.35	14.7	16.1	15.2	16.6
No. 2½, 7 count or more	401	411		15.2	16.6	15.7	17.1
No. 2½, 6 count or less	401	411		14.8	16.2	15.3	16.7
No. 10, 24 count or more	603	700		58.5	61.0	60.0	62.5
No. 10, 23 count or less	603	700		57.5	60.0	59.0	61.5

[1] LL is the lower limit drained weight for individual containers.
[2] $\overline{Xd}$ is the average drained weight of all sample units in the sample.

TABLE 1B.—*Drained weights for canned Freestone peaches*

Container size	Quarters, mixed pieces or irregular sizes and shapes				Sliced			
	In extra heavy sirup (ounces)		In any other liquid medium (ounces)		In extra heavy sirup (ounces)		In any other liquid medium (ounces)	
	LL [1]	$\overline{X}_d$ [2]	LL	$\overline{X}_d$	LL	$\overline{X}_d$	LL	$\overline{X}_d$
8Z tall	4.2	4.9	4.4	5.1	4.1	4.7	4.3	4.9
No. 300	8.0	8.8	8.2	9.0	7.8	8.5	8.0	8.7
No. 303 glass	8.8	9.7	9.1	10.0	8.6	9.4	8.9	9.7
No. 303	8.8	9.7	9.1	10.0	8.6	9.4	8.9	9.7
No. 2	10.6	11.7	11.0	12.1	10.4	11.3	10.8	11.7
No. 2½ glass	15.0	16.4	15.5	16.9	14.7	15.8	15.2	16.3
No. 2½	15.5	16.9	16.0	17.4	15.2	16.3	15.7	16.8
No. 10	60.5	63.0	62.0	64.5	58.0	60.0	59.0	61.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\overline{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 1C.—*Drained weights for canned Freestone peaches*

Container size	Heavy pack (all styles) (ounces)		Solid-pack unsweetened (all styles) (ounces)	
	LL [1]	$\overline{X}_d$ [2]	LL	$\overline{X}_d$
No. 2½			22.6	24.0
No. 10	67.5	70.0	87.5	90.0

[1] LL is the lower limit drained weight for individual containers.
[2] $\overline{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 2A.—*Drained weights for canned Clingstone peaches*

Container designation	Container size (overall dimensions)		Overflow capacity (fluid ounces)	Sliced							
	Diameter (inches)	Height (inches)		In extra heavy sirup (ounces)		In heavy sirup (ounces)		In any other liquid medium (ounces)		Diced in any liquid medium (ounces)	
				LL [1]	X_d [2]	LL	X_d	LL	X_d	LL	X_d
5 Z	211	200		2.2	2.8	2.4	3.0	2.5	3.1	2.6	2.9
5 Z	211	202		2.4	3.0	2.6	3.2	2.7	3.3	2.9	3.2
6 Z	300	200		2.8	3.4	3.0	3.6	3.1	3.7	3.4	3.7
7 Z	211	212		3.4	4.0	3.6	4.2	3.7	4.3	4.0	4.3
8 Z tall	211	304		4.3	4.9	4.5	5.1	4.6	5.2	4.7	5.2
No. 300	300	407		8.2	8.9	8.4	9.1	8.6	9.3	8.9	9.5
No. 303	303	406		9.1	9.9	9.3	10.1	9.5	10.3	9.8	10.5
No. 303 glass			17.0	9.1	9.9	9.3	10.1	9.5	10.3	9.8	10.5
No. 2	307	409		11.1	12.0	11.4	12.3	11.7	12.6	11.9	12.7
No. 2½	401	411		16.3	17.4	16.7	17.8	17.1	18.2	17.5	18.5
No. 2½ glass			28.35	15.8	16.9	16.2	17.3	16.6	17.7	17.0	18.0
No. 10	603	700		62.5	64.5	64.5	66.5	66.5	68.5	68.2	70.0

[1] LL is the lower limit drained weight for individual containers.
[2] X_d is the average drained weight of all sample units in the sample.

TABLE 2B.—*Drained weights for canned Clingstone peaches*

Container designation	Heavy pack—any style in any liquid medium (ounces)		Solid pack—all applicable styles (unsweetened only) (ounces)	
	LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$
No. 2½	18.6	20.0	24.1	25.5
No. 10	73.5	76.0	89.5	92.0

[1] LL is the lower limit drained weight for individual containers.

[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 2C.—*Drained weights for canned Clingstone peaches*

Container designation	Halves						Quarters; and mixed pieces of irregular sizes and shapes					
	In extra heavy sirup (ounces)		In heavy sirup (ounces)		In any other liquid medium (ounces)		In extra heavy sirup (ounces)		In heavy sirup (ounces)		In any other liquid medium (ounces)	
	LL[1]	$\bar{X}_d$[2]	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
8 Z tall	4.3	5.0	4.5	5.2	4.6	5.3	4.3	5.0	4.5	9.2	4.6	5.3
No. 300	8.2	9.0	8.4	9.2	8.6	9.4	8.2	9.0	8.4	9.2	8.6	9.4
No. 303	9.1	10.0	9.3	10.2	9.5	10.4	9.1	10.0	9.3	10.2	9.5	10.4
No. 303 glass	9.1	10.0	9.3	10.2	9.5	10.4	9.1	10.0	9.3	10.2	9.5	10.4
No. 2	11.0	12.1	11.3	12.4	11.6	12.7	11.0	12.1	11.3	12.4	11.6	12.7
No. 2½ glass	15.7	17.1	16.1	17.5	16.5	17.9	15.7	17.1	16.1	17.5	16.5	17.9
No. 2½:							16.2	17.6	16.6	18.0	17.0	18.4
No. 2½, 7 count or more	16.2	17.6	16.6	18.0	17.0	18.4						
No. 2½, 6 count or less	15.6	17.0	16.0	17.4	16.4	17.8						
No. 10:							62.0	64.5	64.0	66.5	66.0	68.5
No. 10, 24 count or more	62.0	64.5	64.0	66.5	66.0	68.5						
No. 10, 23 count or less	60.5	63.0	62.5	65.0	64.5	67.0						

[1] LL is the lower limit drained weight for individual containers.

[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(iii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

k. By revising paragraph (c) of § 145.175, to read as follows:

§ 145.175 Canned pears.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned pears is:

(i) The maximum practicable quantity of pears that can be sealed in the container without impairment of quality.

(ii) A drained weight of pears not less than the average drained weight (designated as $\bar{X}_d$) prescribed in Tables 1, 2 and 3 of this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 130.7(e) of this chapter.

TABLE 1.—*Drained weights for canned pears*

[Styles of quarters; slices; mixed pieces of irregular sizes and shapes]

Container designation	Container size (overall dimensions)		Overflow capacity (fluid ounces)	In any sirup or other liquid medium (ounces)	
	Diameter (inches)	Height (inches)		LL[1]	$\bar{X}_d$[2]
5 Z	211	200		2.6	3.0
5 Z	211	202		2.9	3.3
6 Z	300	200		3.3	3.7
7 Z	211	212		3.8	4.2
8 Z glass			8.2	4.4	4.8
8 Z tall	211	304		4.5	4.9
No. 300	300	407		8.3	8.9
No. 303 glass			17.0	8.8	9.4
No. 303	303	406		9.0	9.6
No. 2	307	409		11.1	11.8
No. 2½ glass			28.35	16.1	16.9
No. 2½	401	411		16.4	17.2
No. 10	603	700		64.9	65.5

[1] LL is the lower limit drained weight for individual containers.

[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 2.—*Drained weights for canned pears*

Halves style

Container designation	In any sirup or other liquid medium (ounces)	
	LL[1]	$\bar{X}_d$[2]
8 Z glass	4.1	4.7
8 Z tall	4.2	4.8
No. 300:		
7 count or less	7.7	8.4
8 count or more	8.0	8.7
No. 303 glass:		
7 count or less	8.2	9.0
8 count or more	8.5	9.3
No. 303:		
7 count or less	8.5	9.3
8 count or more	8.8	9.6
No. 2:		
7 count or less	10.5	11.4
8 count or more	10.8	11.7
No. 2½ glass:		
8 count or less	14.9	16.0
9 count or more	15.4	16.5
No. 2½:		
8 count or less	15.3	16.4
9 count or more	15.3	16.9
No. 10:		
25 count or less	60.8	62.7
26 count or more	62.2	64.1

[1] LL is the lower limit drained weight for individual containers.

[2] $\bar{X}_d$ is the average drained weight of all sample units in the sample.

TABLE 3.—*Drained weights for canned pears*

Container designation	Diced style: In any sirup or other liquid medium (ounces)	
	LL [1]	X_d [2]
5 Z	2.8	3.1
5 Z	3.0	3.3
6 Z	3.5	3.8
7 Z	4.3	4.6
8 Z glass	5.3	5.6
8 Z tall	5.3	5.6
No. 300	9.3	9.7
No. 303 glass	10.1	10.6
No. 303	10.2	10.7
No. 2	12.4	13.0
No. 2½ glass	18.2	18.8
No. 2½	18.4	19.0
No. 10	65.7	67.0

[1] LL is the lower limit drained weight for individual containers.
[2] X_d is the average drained weight of all sample units in the sample.

(2) Compliance with the requirements of paragraph (c) (1) (ii) of this section shall be determined as set forth in § 130.7 (b) (1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c) (1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

1. By revising paragraph (c) of § 145.180, to read as follows:

§ 145.180 Canned pineapple.

* * * * *

(c) *Fill of Container.* (1) The standard of fill of container for canned pineapple is:

(i) The maximum practicable quantity of pineapple that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of pineapple not less than the average drained weight prescribed in Tables 1 and 2 of this paragraph (c) (1) (ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the tables are determined by interpolation as specified in § 130.7(e) of this chapter.

TABLE 1.—*Drained weights for canned pineapple in styles other than crushed*

Container designation	Dimensions (inches)	Water capacity (ounces)	Other styles: Juice and sirup packs (ounces)		Water packs (ounces)	
			X_d [1]	LL [2]	X_d	LL
	300 by 207	7.00	4.06	3.86	3.85	3.65
1 flat	307 by 201.25	8.49	4.92	4.70	4.67	4.44
1 flat	307 by 203	8.94	5.19	4.96	4.92	4.69
8 Z	211 by 304	8.65	5.02	4.79	4.76	4.53
211 cylinder	211 by 414	13.55	7.86	7.54	7.45	7.13
1¼	401 by 207	14.47	8.68	8.34	8.25	7.91
1½	307 by 309	15.64	9.38	9.02	8.91	8.54
2	307 by 409	20.50	12.30	11.90	11.68	11.28
2½	401 by 411	29.50	17.70	17.14	16.81	16.25
10	603 by 700	109.45	68.95	67.26	65.67	63.98
10 (slices)	603 by 700	109.45	65.67	63.98	62.39	60.70

[1] X_d is the average drained weight of all sample units in the sample.
[2] LL is the lower limit drained weight for individual containers.

TABLE 2.—*Drained weights for canned crushed pineapple*

Container designation	Dimensions (inches)	Water capacity (ounces)	Crushed style: Regular pack (ounces) X_d [1]	"Heavy pack" (ounces) X_d	"Solid pack" (ounces) X_d
	300 by 207	7.00	4.41	5.11	5.46
1 flat	307 by 201.25	8.49	5.35	6.20	6.62
1 flat	307 by 203	8.94	5.63	6.52	6.97
8 Z	211 by 304	8.65	5.45	6.31	6.75
211 cylinder	211 by 414	13.55	8.54	9.89	10.57
1¼	401 by 207	14.47	9.11	10.56	11.29
1½	307 by 309	15.64	9.85	11.42	12.20
2	307 by 409	20.50	12.91	14.97	15.99
2½	401 by 411	29.50	18.59	21.54	23.01
10	603 by 700	109.45	68.96	79.90	85.37

[1] X_d is the average drained weight of all sample units in the sample.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c) (1) (i) of this section shall be determined as set forth in § 130.7 (a) of this chapter.

(ii) Compliance with the requirements of Tables 1 and 2 in paragraph (c) (1) (ii) of this section shall be determined as set forth in § 130.7(b) (1) and (2), respectively, of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c) (1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

m. By revising paragraph (c) of § 145.185, to read as follows:

§ 145.185 Canned plums.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned plums is:

(i) The maximum practicable quantity of plums that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of plums not less than the average drained weight (designated as $\overline{X}_d$) prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned plums

Container designation	Water capacity of container (ounces)	In any liquid medium			
		Whole plums drained weight (ounces)		Halves drained weight (ounces)	
		LL [1]	X_d [2]	LL [1]	X_d [1]
8 Z tall	8.65	3.7	4.3	4.2	4.8
8 oz glass	8.2	3.5	4.1	3.9	4.5
No. 1 tall	16.60	7.5	8.3	8.3	9.1
No. 303	16.85	7.6	8.4	8.5	9.3
No. 303 glass	17.0	7.7	8.5	8.5	9.3
No. 2	20.5	9.4	10.3	10.4	11.3
No. 2½	29.75	13.7	14.9	15.2	16.4
No. 2½ glass	29.50	13.6	14.8	15.0	16.2
No. 10	109.45	52.5	54.7	58.0	60.2

[1] LL is the lower limit drained weight for individual containers.
[2] X_d is the average drained weight for all sample units in the sample.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and forms specified therein.

n. By redesignating the existing text of § 145.190 as paragraph (a), by reserving paragraph (b), and by adding new paragraph (c), to read as follows:

§ 145.190 Canned prunes.

(a) *Identity*—(1) *Ingredients.* Canned prunes is the food prepared from dried prunes, which may be packed as a solid pack or in one of the optional packing media specified in paragraph (a)(2) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(i) Natural and artificial flavors.

(ii) Spice.

(iii) Vinegar, lemon juice, or organic acids.

(iv) Unpeeled pieces of citrus fruits.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(2) *Packing media.* (i) The optional packing media referred to in paragraph (a)(1) of this section, as defined in § 145.3 are:

(*a*) Water.

(*b*) Fruit juice(s) and water.

(*c*) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetner(s) may be added. Sweeteners defined in § 145.3 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 168 of this chapter shall comply with such standard in lieu of any definition that may appear in § 145.3.

(ii) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 145.3(m) shall be designated by the appropriate name for the respective density ranges, namely:

(*a*) When the density of the solution is less than 20 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(*b*) When the density of the solution is 20 percent or more but less than 24 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(*c*) When the density of the solution is 24 percent or more but less than 30 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(*d*) When the density of the solution is 30 percent or more but not more than 45 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(3) *Labeling requirements.* (i) The name of the food is "prunes—prepared from dried prunes". The words "prepared from dried prunes" shall be in close proximity to the word "prunes" and shall be of the same style and not less than ½ of the point size of the type used for the word "prunes". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 101.22 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spiced added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with vinegar" or "Seasoned with unpeeled pieces of citrus fruit". When two or more of the optional ingredients specified in paragraph (a)(1), (ii) through (iv) of this section are used, such words may be combined as for example, "Seasoned with cider vinegar, cloves, cinnamon oil and unpeeled pieces of citrus fruit."

(ii) When the food is prepared with a packing medium, the name of the packing medium specified in paragraph (a)(2)(i) and (ii) of this section, preceded by "In" or "Packed in" and the words "cooked", "stewed", or "prepared", shall be included as part of the name or in close proximity to the name of the food. When no packing medium is used, the words "solid pack" or "moist pack" or the word "moistened" followed by the words "without sirup" shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be " _____ sirup of brown sugar and honey", the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (a)(2)(i) and (ii) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(*a*) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit",

(*b*) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (a)(3)(iii) of this section, and

(*c*) In the case of the single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(3)(iii) of this section.

(iii) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (a)(3)(ii)(b) of this section, such names and the words "from concentrate", as specified in paragraph (a)(3)(ii)(c) of this section, shall appear in an ingredient statement pursuant to the requirements of § 101.3(d) of this chapter.

(iv) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned prunes is:

(i) The maximum practicable quantity of prunes that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of prunes not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned prunes

Container size or name	Metal containers: Regular pack (ounces)	Metal containers: Heavy pack (ounces)	Glass containers: Regular pack (ounces)
8 oz	5½		
No. 1 tall	10¾		
No. 2	13		
No. 2½	19	29	18
No. 10	70	110	

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

PART 155—CANNED VEGETABLES

4. In Part 155:

a. By adding new § 155.110 to read as follows:

§ 155.110 Canned asparargus.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned asparagus is:

(i) The maximum practicable quantity of asparagus that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of asparagus not less than the average drained weight (designated as X_d) prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weight for canned asparagus

Container designation	Container dimensions (inches; or water capacity in ounces avoirdupois as applicable): Diameter	Height	Small, medium, or large sizes; and blends of these sizes: Green tipped and white; white (ounces) LL[1]	Green tipped and white; white (ounces) X_d[2]	Green and green tipped (ounces) LL	Green and green tipped (ounces) X_d	Extra large, colossal, giant sizes; or blends including these sizes: Green tipped and white; white (ounces) LL	Green tipped and white; white (ounces) X_d	Green and green tipped (ounces) LL	Green and green tipped (ounces) X_d	Cuts spears, bottom cuts-tips removed: Green tipped and white (ounces) LL	Green tipped and white (ounces) X_d	Green (ounces) LL	Green (ounces) X_d
8 oz glass	[3]	[3]	4.8	5.1	4.6	4.9	4.3	5.1	4.6	4.9	4.7	5.0	4.4	4.7
8Z short	2 1/16	3	4.4	4.7	4.2	4.5	4.4	4.7	4.2	4.5	4.2	4.5	4.1	4.3
8 Z tall	2 1/16	3 5/16	4.9	5.2	4.7	5.0	4.9	5.2	4.7	5.0	4.7	5.0	4.5	4.8
No. 1 picnic	2 1/16	4	6.6	7.0	5.8	6.2	6.1	6.5	5.6	6.0	6.2	6.5	5.7	6.0
12 Z	2 1/16	4 9/16	7.6	8.0	7.1	7.5	7.3	7.7	6.8	7.2	7.3	7.7	6.8	7.2
13½ Z glass	[4]	[4]	8.6	9.1	7.8	8.3	8.1	8.6	7.5	8.0				
No. 300	3	4 7/16	9.0	9.5	8.2	8.7	8.5	9.0	7.9	8.4	8.6	9.0	8.2	8.6
300 by 409	3	4 9/16	9.2	9.7	8.5	9.0	8.7	9.2	8.1	8.6	8.8	9.2	8.4	8.8
No. 1 tall	3 1/16	4 13/16	9.9	10.5	8.8	9.4	9.3	9.9	8.5	9.1	9.1	9.6	8.6	9.1
No. 303 glass	[5]	[5]	10.3	10.9	9.1	9.7	9.7	10.3	8.8	9.4	9.4	9.9	8.9	9.4
No. 303	3 1/16	4 9/16	10.1	10.7	8.9	9.5	9.5	10.1	8.6	9.2	9.2	9.7	8.7	9.2
No. 303 cylinder	3	5 3/16			10.3	11.0			9.8	10.5				
No. 2	3 7/16	4 3/16	12.3	13.0	11.1	11.8	11.6	12.3	10.6	11.3	12.1	12.7	11.1	11.7
No. 2½ glass	[6]	[6]	17.7	18.7	16.0	17.0	16.7	17.7	15.5	16.5	17.6	18.3	16.0	16.7
No. 2½	4 1/16	4 13/16	18.0	19.0	16.2	17.2	17.0	18.0	15.7	16.7	17.8	18.5	16.2	16.9
No. 5 squat	6 3/16	4 5/16	41.5	43.0	37.5	39.0	39.5	41.0	36.5	38.0	41.0	42.0	37.0	38.0
No. 10	6 9/16	7									63.1	64.5	58.8	60.2

[1] *LL* is the lower limit drained weight for individual containers.
[2] X_d is the average drained weight of all sample units in the sample.
[3] 8.5 oz avdp.
[4] 14.0 oz avdp.
[5] 17.7 oz. avdp.
[6] 29.5 oz avdp.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

b. By adding paragraph (c) to § 155.120, to read as follows:

§ 155.120 Canned green beans and canned wax beans.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned green beans and canned wax beans is:

(i) The maximum practicable quantity of green beans or wax beans that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of green beans or wax beans not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned green beans and wax beans

Container size or designation	Water capacity (ounces)	Whole and sliced lengthwise or French style (ounces)	Cuts 1½ in and longer (ounces)	Mixed cuts and short cuts, less than 1½ in (ounces)
8 Z tall	8.65	4.3	4.5	4.7
8 oz glass	8.2	3.9	4.1	4.3
No. 1 (picnic)	10.90	5.4	5.6	6.0
No. 300	15.20	7.6	7.9	8.4
No. 1 tall	16.60	8.3	8.6	9.1
No. 303	16.85	8.4	8.8	9.3
No. 303 glass	17.0	8.2	8.5	9.0
No. 2	20.50	10.3	10.7	11.3
No. 2½	29.75	14.9	15.5	16.4
No. 2½ glass	29.50	14.25	14.8	15.6
No. 10	109.45	54.5	57.0	60.2

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

c. By adding new § 155.124, to read as follows:

§ 155.124 Canned lima beans.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned lima beans is:

(i) The maximum practicable quantity of lima beans that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of lima beans not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights of lima beans

Container designation	Container size			Drained weight (ounces)
	Overall diameter (inches)	Overall height (inches)	Overflow capacity (fluid ounces)	
8 Z tall	2 1/16	3 1/16		5½
8 Z jar			8.2	5½
No. 1 (picnic)	2 1/16	4		7
No. 1 tall	3 1/16	4 11/16		10¾
No. 300	3	4 7/16		9¾
No. 303	3 3/16	4 5/16		11
No. 303 jar			17.0	11
No. 2	3 7/16	4 9/16		13½
No. 10	6 7/16	7		72

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

d. By adding new § 155.126, to read as follows:

§ 155.126 Canned beets.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned beets is:

(i) The maximum practicable quantity of beets that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(2) A drained weight of beets not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights (in ounces) of beets

Container size or designation	Whole [1]		Sliced [1]		Diced	Quartered cut	Julienne
	Size Nos. 1 to 3, inclusive	Size Nos. 4 to 6, inclusive	Small	Medium and large			
8Z tall	5½	5	5½	5	5½	5¼	5¼
8Z jar	5½	5	5½	5	5½	5½	5¼
No. 1 picnic	6¾	6½	6¾	6½	7	7	6¾
No. 300	9½	9¼	9¾	9½	10	10	8¾
No. 303	10	9½	10¼	9¾	10½	10½	9
No. 303 jar	10	9½	10¼	9¾	10½	10½	9
No. 2	12½	12¼	12½	12	12¾	12½	11½
No. 2½	19½	19	19	18½	19	18½	18¼
No. 2½ jar	19¼	18¾	18¾	18¼	18¾	18¾	18
No. 10	69	68	[illegible]	[illegible]	72	70	68

[1] Mixed sizes to be based on drained weight for predominant size of individual units.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

e. By adding new § 155.128, to read as follows:

§ 155.128 Canned carrots.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned carrots is:

(i) The maximum practicable quantity of carrots that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of carrots not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights (in ounces) of carrots

Container size or designation	Whole [1]		Sliced [1]		Diced	Quartered cut	Julienne
	Less than 1⅛ in in diameter	1⅛ in in diameter and over	Less than 1⅛ in in diameter	1⅛ in in diameter and over			
8 Z tall	5½	5	5½	5	5½	5½	5¼
8 Z jar	5½	5	5½	5	5½	5½	5¼
No. 1 picnic	6¾	6½	6¾	6½	7	7	6¾
No. 300	9¼	9	9½	9¼	10	10	8¾
No. 303	9¾	9¼	10	9½	10½	10½	9
No. 303 jar	9¾	9¼	10	9½	10½	10½	9
No. 2	12½	12¼	12½	12	12¾	12½	11½
No. 2½	19½	19	19	18½	19	18½	18¼
No. 2½ jar	19¼	18¾	18¾	18¼	18¾	18¾	18
No. 10	69	68	69	68	72	70	68

[1] Mixed sizes to be based on drained weight for predominant size of individual units.

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

f. By revising paragraph (c) of § 155.130, to read as follows:

§ 155.130 Canned corn.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned corn is:

(i) Except in the case of vacuum pack corn, the maximum practicable quantity of corn that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) Except in the case of vacuum pack corn, a drained weight of corn not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for whole kernel corn

Container size or designation	Water capacity (ounces)	Drained weight (ounces)
8 Z tall	8.65	5.3
No. 1 (picnic)	10.90	6.6
No. 300	15.20	9.3
No. 303	16.85	10.3
No. 2	20.50	12.5
No. 10	109.45	66.8

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

g. By adding new § 155.140, to read as follows:

§ 155.140 Canned leafy greens.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned leafy greens, either canned collards, kale, mustard greens, turnip greens, spinach, or mixed greens (a mixture of two or more of these greens) is:

(i) The maximum practicable quantity of leafy greens that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of leafy greens not less than the average drained weight (designated as $\bar{X}_d$) prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the method for drained weight prescribed in paragraph (c)(2) of this section. Drained weight requirements for can sizes not specified in the table are determined by interpolation according to the general method in § 130.7(c) of this chapter.

Drained weights for canned leafy greens

Container designation	Container size overall dimensions		Capacity weight H_2O at 68° F (avoirdupois ounces)	Drained weight (avoirdupois ounces) LL[1]	$\overline{X}_d$[2]
	Diameter (inches)	Height (inches)			
8 Z tall	2 1/16	3 1/16	8.65	4.8	5.2
No. 1 picnic	2 1/16	4	10.90	6.3	6.8
No. 300	3	4 1/16	15.20	8.6	9.1
No. 1 tall	3 1/16	4 11/16	16.60	9.4	10.0
No. 303	3 3/16	4 9/16	16.85	9.6	10.2
No. 303 glass			17.70	9.4	10.0
No. 2	3 7/16	4 9/16	20.50	11.9	12.6
No. 2 1/2	4 1/16	4 11/16	29.75	17.6	18.6
No. 2 1/2 glass			29.50	15.8	16.6
No. 10	6 3/16	7	109.45	54.7	58.4

[1] LL is the lower limit drained weight for individuals.
[2] $\overline{X}_d$ is the average drained weight of all sample units in the sample.

(2) The drained weight of leafy greens is determined by the following method: The drained weight of canned leafy greens is determined when the product is at approximately room temperature (68° F) and at least 30 days after the product is canned. The contents of the containers are emptied onto a dry, previously weighed U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937, ± 3 percent, square openings). With the sieve flat on the tray, the container of product is placed open end down in the sieve in an upright position. The container is lifted off the product without spreading the product out on the sieve. The product is allowed to drain for exactly 2 minutes. The weight of the product and sieve minus the weight of the dry sieve is the drained weight of the product. A sieve 8 inches in diameter is used for the equivalent of a No. 3 size can (404 x 700) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of a No. 3 size can.

(3) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(4) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

h. By adding new § 155.150, to read as follows:

§ 155.150 Canned okra.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned okra is:

(i) The maximum practicable quantity of okra that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12 (b) of this chapter.

(ii) A drained weight of okra not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weight of okra

Container size or designation	Container dimensions (inches)		Styles of canned okra (ounces)	
	Width	Height	Whole or salad	Cut
8 oz tall	2 1/16	3 1/16	4.5	5
No. 1 picnic	2 1/16	4	6.2	6.5
No. 1 tall	3 1/16	4 11/16	9.8	10.2
No. 303	3 3/16	4 9/16	10	10.5
No. 2	3 7/16	4 9/16	12	12.8
No. 2 1/2	4 1/16	4 11/16	17.8	18.8
No. 10	6 3/16	7	60	60

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

i. By adding new § 155.160, to read as follows:

§ 155.160 Canned onions.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned onions is:

(i) The maximum practicable quantity of onions that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of onions not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned onions

Container size or designation	Maximum headspace allowable (measured from top double seam)	Sizes of canned onions		
		Tiny (ounces)	Small (ounces)	Medium (ounces)
	One-sixteenth of an inch			
8 Z tall	7.6	4.5	4.5	4.5
No. 303	9.4	9.5	9	9
No. 303 glass	9.4	9	9	9
No. 10	13.6	64	63	60

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

j. By adding new § 155.175, to read as follows:

§ 155.175 Canned pimientos.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned pimientos is:

(i) The maximum practicable quantity of pimientos that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method of fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of pimientos not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights of pimientos

Metal or glass container designation	Metal container dimension (inches)	Capacity		Style of pimientos			
		Avoirdupois ounces of water at 68° F (weight)	Whole halves (ounces)	Whole and piece (ounces)	Pieces (ounces)	Diced; chopped (ounces)	Sliced (ounces)
Regular pack:							
2 Z jar		2.28	1.5	1.5	1.5	1.5	1.5
4 Z pimiento	211 by 200	4.90	3.2	3.2	3.2	3.2	3.2
4 Z jar		4.88	3.2	3.2	3.2	3.2	3.2
7 Z pimiento	300 by 206	7.50	5.2	5.2	5.2	5.2	5.2
7 Z jar		8.10	5.3	5.3	5.3	5.3	5.3
No. 300	300 by 407	15.20	10.0	10.2	10.2	10.2	10.0
No. 303	303 by 406	16.85	11.0	11.2	11.2	11.2	11.0
No. 303 jar		17.65	11.2	11.5	11.5	11.5	11.2
No. 2	307 by 409	20.50	13.2	13.5	14.0	14.0	13.2
No. 2½	401 by 411	29.75	20.2	20.5	20.5	20.5	20.2
No. 2½ jar		29.38	20.0	20.2	20.2	20.2	20.0
No. 10	603 by 700	109.45	70.7	72.2	74.0	74.0	71.7

Containers of different capacities than above—not less than 66 pct of the water capacity (avoirdupois weight at 68° F) of the container.

Heavy pack—little free liquid and drained weight is not less than 90 pct of the water capacity (avoirdupois weight at 68° F) of the container).

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

k. By adding new § 155.177, to read as follows:

§ 155.177 Canned field peas and black-eye peas.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned field peas or canned black-eye peas is:

(i) The maximum practicable quantity of field peas or black-eye peas that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of field peas or black-eye peas not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weights for canned field peas and black-eye peas

Container size or designation:	*Ounces*
No. 1 (picnic)	7
No. 1 tall	10½
No. 300	9¾
No. 303	11
No. 2	13¼
No. 10	72

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1)(i) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

l. By adding new § 155.180, to read as follows:

§ 155.180 Canned sweet potatoes.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned sweet potatoes is:

(i) Except in the case of "vacuum pack" sweet potatoes (closed under high vacuum with little or no packing medium), the maximum practicable quantity of sweet potatoes that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total ca-

pacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) Except in the case of vacuum pack or solid pack (dry pack, without added packing medium), a drained weight of sweet potatoes not less than the average drained weight prescribed in the table in this paragraph (a)(2) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Sweet potatoes in a liquid packing medium

Container size or designation:	*Drained weight (ounces)*
No. 2	14
No. 2½	19
No. 3 vacuum or squat (404 x 307)	15
No. 10	72

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

m. By adding new § 155.185, to read as follows:

§ 155.185 Canned white potatoes.

(a)–(b) [Reserved]

(c) *Fill of container*—(1) The standard of fill of container for canned white potatoes is:

(i) The maximum practicable quantity of white potatoes that can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of white potatoes not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter. Drained weight requirements for containers not specified in the table are determined by interpolation as specified in § 130.7(e) of this chapter.

Drained weight for white potatoes

Container size or designation:	*All styles (ounces)*
No. 2	13
No. 2½	19
No. 10	74

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

n. By revising paragraph (c) of § 155.190, to read as follows:

§ 155.190 Canned tomatoes.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned tomatoes is:

(i) The maximum practicable quantity of tomatoes that can be sealed in the container without impairment of quality and occupies (including packing medium) not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of tomatoes not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the method prescribed in § 130.7(c) of this chapter except that sieves with square mesh openings of 11.2 mm (0.438 inch) or 11.33 mm (0.446 inch) are used. Drained weight requirements for can sizes not specified in the table are determined by interpolation according to the general method in § 130.7(e) of this chapter.

Drained weights for canned tomatoes

Container designation	Container dimensions		Overflow capacity (fluid ounces)	Average drained weight (ounces)	Minimum drained weight (ounces)
	Width (inches)	Height (inches)			
8 Z tall	211	304	8.2	4.3	3.9
8 oz glass				4.1	3.7
No. 300	300	407		7.6	6.8
No. 1 tall	301	411		8.4	7.5
No. 303	303	406	17.0	8.4	7.6
No. 303 glass				8.5	7.7
No. 2	307	409	28.35	10.8	9.2
No. 2½	401	411		14.9	13.4
No. 2½ glass				14.8	13.3
No. 10	603	700		54.7	45.3

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(1) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

o. By revising paragraph (c) of § 155.201, to read as follows:

§ 155.201 Canned mushrooms.

* * * * *

(c) *Fill of container*—(1) The standard of fill of container for canned mushrooms is:

(i) The maximum practicable quantity of mushrooms than can be sealed in the container without impairment of quality in a manner adequate to protect the public health in accordance with Parts 108 and 113 of this chapter and occupies (including packing medium) not less than 90 percent of the total capacity of the container as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

(ii) A drained weight of mushrooms not less than the average drained weight prescribed in the table in this paragraph (c)(1)(ii) for the container, as determined by the general method for drained weight prescribed in § 130.7(c) of this chapter.

Drained weight of mushrooms

Trade designation	Overall dimensions, sealed can		Average weight of drained mushrooms (avoirdupois ounces)
	Diameter (inches)	Height (inches)	
202 by 204	2⅛	2¼	2
211 by 212	2 1/16	2¾	4
300 by 400	3	4	8
307 by 510	3 7/16	5⅝	16
603 by 700	6 3/16	7	68

(2) Determination of compliance:

(i) Compliance with the requirements of paragraph (c)(1)(i) of this section shall be determined as set forth in § 130.7(a) of this chapter.

(ii) Compliance with the requirements of paragraph (c)(1)(ii) of this section shall be determined as set forth in § 130.7(b)(2) of this chapter.

(3) If the fill of container falls below that prescribed in paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form specified therein.

Interested persons may, on or before July 1, 1979, submit to the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this

proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A–107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: November 30, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

NOTE.—Incorporation by reference approved by the Director of the Office of the FEDERAL REGISTER on March 11, 1976, and may be seen in the FEDERAL REGISTER library.

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